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10/644,135

08/20/2003

Greg E. Ford

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EXAMINER

FOX, JOHN C

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/644,135  
Filing Date: August 20, 2003  
Appellant(s): FORD ET AL.

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Anna M. Shih  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed May 6, 2008, and to the supplemental appeal brief filed June 5, 2008, appealing from the Office action mailed September 6, 2007.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

DE 198 39 843	Hilberer	3-2000
6,817,247	Hilberer	11-2004

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by DE '843, which corresponds to US 6,814,247.

DE '843 shows a valve system with valve block 4 in which are mounted solenoid valves 12 and pressure sensors 8 mounted with a circuit board 27 and sealed with an o-ring 13. The valve block has a pressure medium feeding connection 1, a pressure medium return flow connection 2 and outlet connections 3. The outlet connections 3 are respectively connected with pressure medium outlet bores 17. It can be seen in Figure 3 that bore 17 leads to a port to communicate with sensor 8. It can be seen in Figure 2 that circuit board 27 includes apertures 9 of dimension "D" adjacent to sensors 8, see column 4, lines 29-31. Column 6, lines 30-40 state: "FIG. 3 shows a fitting of a sensor 8 into the valve block 4 or between the valve block 4 and the control device cover which, however, is not shown in FIG. 3. By the exercising of a pressure by means of the control device cover 5 onto the sensor 8, the sensor 8 is pressed downward so that the seal 13 is reduced in its vertical dimension. By means of this pressure sensor, the pressure medium pressure in the pressure medium outlet bore 17 is measured by way of the sensor membrane. The measured values are then processed in the control device 20 which is arranged in the proximity and is not shown."

### **(10) Response to Argument**

Appellant argues that it is unreasonable to read the valve block 4 of Hilberer as a valve body.

To anticipate a claim, the reference must teach every element of the claim, and the elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990), see MPEP 2131, last paragraph.

Thus, the test under §102 is if the reference fairly teaches the elements required, regardless of what they are called. The solenoid valve body recited in the claims provides a fluid inlet passage, a fluid outlet passage, a pressure sensing port for outlet pressure and a mount for an electrical actuator. The valve block 4 of Hilberer provides a fluid inlet passage, a fluid outlet passage, a pressure sensing port for outlet pressure and a mount for an electrical actuator.

Appellant also posits that the solenoid valve 12 of Hilberer has it's own body, so block 4 can't also be a valve body. Since the claims do not require the valve body to be a unitary member they do not distinguish over the reference.

Appellant argues that the port at the end of passage 17, the aperture in the circuit board and the sensor 8 are not aligned. The Examiner is of the opinion that they are.

Appellant argues against an aperture in the pressure sensors. However, the grounds of rejection relating to this feature stemmed from the indefinite claim limitation(s) in the amendment of June 20, 2006. The amendment after final filed February 6, 2008 corrected the indefinite claims and this feature is no longer recited in the claims.

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**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/J. F./

Primary Examiner, Art Unit 3753

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/Gregory L. Huson/

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Supervisory Patent Examiner, Art Unit 3729